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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Dinh et al.
Application No.:	10/061,458
Filed:	February 1, 2002
Title:	EXPANDABLE UNIT CELL AND INTRALUMINAL STENT
Examiner:	Unknown
Group Art Unit	3738

Commissioner for Patents
Washington, D.C. 20231

Docket No. S63.2-10389

Petition Under 37 CFR §1.47(b)

For U.S. Patent Application Wherein One or More Inventor's Cannot be Reached

Quanam Medical Corporation hereby requests that the United States Patent and Trademark Office accept the enclosed Declaration(s) of Inventorship under 37 C.F.R. 1.63. wherein despite diligent effort in attempting to locate and reach the listed inventors, three of the five co-inventors of U.S. Patent Application 10/061,458, namely Robert Eury, Loc Phan, and Linh Dinh cannot be reached.

As a result, the above referenced Application is made on behalf of Robert Eury, Loc Phan, and Linh Dinh by the available co-inventors: Irina Pomerantseva and Michael Froix as indicated on the enclosed Declaration(s).

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OFFICE OF PETITIONS

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PETITION UNDER 37 C.F.R §1.47(b)

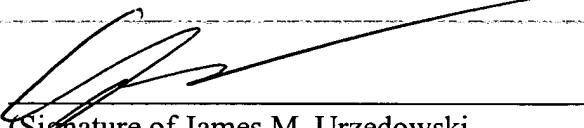
Enclosed with this petition is:

- a) Declaration(s) of Inventorship signed under 37 C.F.R. §1.63 by the above referenced available co-inventors.
- b) Assignments signed by all of the co-inventors, assigning their respective rights, title and interest in the above referenced patent application to Quanam Medical Corporation,
- c) a Declaration of Facts in Support of Filing on Behalf of Omitted Inventors Robert Eury, Loc Phan, and Linh Dinh, which includes there last known addresses, and a description of the actions taken in attempting to locate them respectively.
- d) a Power of Attorney from Assignee (Quanam Medical Corporation) appointing all practitioners of Customer No. 490, including James M. Urzedowski, to act on their behalf, and
- e) the petition fee of \$130.00 required by 37 C.F.R. 1.17(h).

Applicant authorizes the Commissioner of Patents and Trademarks to charge all required extension of time fees that have not otherwise been paid to Deposit Account No. 22-0350.

James M. Urzedowski

Date: 10/9/02


(Signature of James M. Urzedowski,
attorney for Assignee)
Reg. 48,596



MP #
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Linh A. Dinh, Loc X. Phan, Robert Eury, Irina Pomerantseva and Michael Froix
Application No.: 10/061458
Filed: February 1, 2002
For: EXPANDABLE UNIT CELL AND INTRALUMINAL STENT (Reissue of U.S. 6,019,789)
Examiner: Not yet assigned
Group Art Unit: 3738

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Docket No.: S63.2L-10389-US

TRANSMITTAL LETTER

1. In regard to the above-identified application, we are submitting the attached:
2 page Response to Notice of Missing Parts; 1 page Petition for Extension of Time Under 37 CFR §1.136; 1 page copy of Notice to File Missing Parts of Reissue Application; 1 page copy of Notice to File Missing Parts of NonProvisional Application; 2 page Petition Under 37 CFR §1.47(b) for U.S. Patent Application Wherein One or More Inventor's Cannot be Reached; 6 page Reissue Application Declaration by the Inventor; 5 page Recorded Assignment dated June 18, 1999; 8 page Recorded Assignment dated November 16, 1998; 4 page Declaration of Facts in Support of Filing on Behalf of Omitted Inventor; 2 page Reissue Application Declaration by the Assignee; 3 checks in the amount of \$1,512.00, \$1,440.00 and \$130.00; VAS Transmittal Letter; and Postcard.

2. With respect to fees:
 - ☐ No additional fee is required.
 - ☒ Attached is check(s) in the amount of \$1,512.00; \$1,440.00 and \$130.00
 - ☐ Charge additional fee to our Deposit Account No. 22-0350.

3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**

This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.

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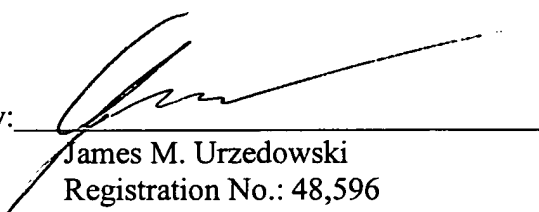
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: October 9, 2002

By: _____


James M. Urzedowski
Registration No.: 48,596

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
f:\wpwork\jmu\10389us_tra_20021009.doc

Certificate Under 37 CFR 1.8: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Box Missing Parts, Commissioner for Patents, Washington D.C. 20231, on October 9, 2002.


Rebecca M. Painschab

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s):	Dinh et al.
Application No.:	10/061,458
Filed:	February 1, 2002
Title:	EXPANDABLE UNIT CELL AND INTRALUMINAL STENT
Examiner:	Unknown
Group Art Unit	3738

Commissioner for Patents
Washington, D.C. 20231

Docket No. S63.2-10389

**Declaration of Facts in Support of Filing on Behalf of Omitted Inventor
(37 CFR 1.47(b))**

This declaration is made as to the facts which are relied upon to establish the diligent effort to secure the execution of the declaration by the omitted inventors for the above identified Patent Application before deposit thereof in the Patent and Trademark Office.

This declaration is being made by Susan L. Creek who has personal knowledge of the facts recited herein.

Identification of Person Making This Declaration of Facts

Name of declarant: Susan Lynn Creek

Address of declarant: Patent Legal Department
Mail Station A150
SciMed Life Systems, Inc.
One SciMed Place
Maple Grove, MN. 55311-1566

Title of declarant: Legal Assistant to Luke Dohmen, Vice President and Chief Patent Counsel, Cardiology SciMed Life Systems Inc.

Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor 37 CFR 1.47(b)
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Last Known Addresses of the Omitted Inventors

Name of omitted inventor: Robert Eury
Last known address: 10378B Lockwood Drive
Cupertino, CA. 95014

Name of omitted inventor: Loc Phan
Last known address: 1197 Fargate Circle
San Jose, CA. 95131

Name of omitted inventor: Linh Dinh
Last known address: 2233 Augusta Place
Santa Clara, CA. 95051

Details of Efforts to Reach Omitted Inventors

1. Prior to the issuance of U.S. Patent 6,019,789, from which the present Application is a Reissue Application, all of the omitted inventors signed declarations stating that they were inventors of the subject matter contained in U.S. Patent Application 09/053,887 (now U.S. 6,019,789), and signed assignment papers assigning all of their rights to the subject matter contained in the U.S. Patent Application 09/053,887 to Quanam Medical Corporation, of Santa Clara California (Assignee).
2. Following the filing of the present Reissue Application, I received a copy of the Notice to File Missing Parts of Reissue Application (mailed April 10, 2002) from Attorney Walter J. Steinkraus. Following receipt of this notice I began trying to contact the inventors for the purpose of acquiring their signed declarations of inventorship. The following is a summary of the actions I took in attempting to contact each of the omitted inventors:
 - A) In regard to omitted inventor Robert Eury:

In an effort to locate and contact Robert Eury, on June 24, 2002, I sent a letter and a copy of a declaration for Mr. Eury's review by Federal Express to his office at Quanam Medical Corporation in Santa Clara, California. The letter and declaration was subsequently forwarded to Boston Scientific Corporation in Natick, Massachusetts.

Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor 37 CFR 1.47(b)
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On July 3, 2002, Cathie Dyer of Boston Scientific Corp. forwarded the letter and declaration, again by Federal Express, back to Quanam Medical Corporation for Mr. Eury's review. The letter and declaration were subsequently returned to me at SciMed Life Systems, Inc in Maple Grove Minnesota as being undeliverable.

In a further attempt to contact Mr. Eury, on July 26, 2002, I sent the letter and declaration by Federal Express the address I had on file at the time for Mr. Eury's home (10378B Lockwood Drive, Cupertino, CA 95014), however on August 8, 2002 the letter and declaration were returned to me by Federal Express as being undeliverable. Subsequently, I conducted an electronic search on the internet for other potential addresses for Mr. Eury. I also attempted to phone Mr. Eury at the number we had on file, but received no answer.

On August 14, 2002, I called Mr. Eury's cell phone number and left a message on his voicemail system, but have yet to receive any response.

On August 30, 2002, upon the information I acquired from the internet I sent another letter and declaration by Federal Express to Mr. Eury at 5190 Boxwood Place, Riverside, CA. 92506. I received a receipt indicating that Mr. Eury signed for and received the letter and declaration.

In an effort to confirm that I had reached Mr. Eury, on September 20, 2002 I sent a reminder letter to Mr. Eury at the Boxwood Place address.

Still trying to confirm Mr. Eury's address, on October 1, 2002 I sent, by Federal Express, a second reminder letter.

On October 2, 2002, I left another voicemail message on Mr. Eury's cell phone, to which I have never received a response.

B) In regard to omitted inventor Loc Phan:

In trying to contact Loc Phan, on August 15, 2002 I sent a letter and a copy of a declaration for Loc Phan's review by Federal Express to Loc Phan's home at 1197 Fargate Circle, San Jose, CA 95131.

On September 3, 2002 I again attempted to reach Loc Phan by mailing a reminder letter to the same address.

On September 20, 2002 I mailed a second reminder letter.

On October 1, 2002 I tried again to locate Mr. Phan by sending a third reminder letter by Federal Express to him at the Fargate Circle Address.

C) In regard to omitted inventor Linh Dinh

In attempting to contact Linh Dinh, on August 15, 2002 I sent a letter and a copy of a declaration for Linh Dinh's review by Federal Express to Linh Dinh's home at 2233 Augusta Place, Santa Clara, CA 95051

On September 3, 2002, I again attempted to reach Linh Dinh by mailing a reminder letter to the same address.

Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor 37 CFR 1.47(b)
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On September 20, 2002, I mailed a second reminder.

On October 1, 2002, I again attempted to contact Linh Dinh with a third reminder letter, which I sent by Federal Express, to the Augusta Place address.

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 10/9/02



Susan L. Creek